



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

May 17, 2005

JOHN O. MICHELINI and DONALD J. LEWIS

Serial No. : 10/805,611

Group Art Unit: 3747

Filed : March 19, 2004

Examiner: Tony Argenbright

For : CYLINDER AND VALVE MODE CONTROL FOR AN ENGINE
WITH VALVES THAT MAY BE DEACTIVATED

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97, 1.98

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, the following patents, publications, applications, and/or other information are being submitted and disclosed to the Office, including those listed on the enclosed Form PTO-1449, for consideration by the Examiner.

Applicants respectfully request that the disclosed information be made of record and expressly considered by the Examiner during examination of the pending application. Further, Applicants respectfully request that the disclosed items be listed on the face of any patent issuing from the pending application in the "references cited" column.

In accordance with 37 C.F.R. § 1.97 (g), the present information disclosure statement is not a representation that a search has been made.

In accordance with 37 C.F.R. § 1.97 (h), the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, material to patentability.

In accordance with MPEP § 609, Applicants respectfully request that if the present application is a continuing application, all information considered by the Office in the parent application be considered in the present application, although it need not be listed on the face of the patent unless resubmitted in this or another information disclosure statement filed in this application.

Finally, the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, prior art.

BASIS FOR CONSIDERATION BY THE OFFICE UNDER 37 C.F.R. § 1.97

☒ **37 C.F.R. § 1.97(c)**

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, before the mailing of any of: a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application.

☐ Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☒ Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

OR

☐ A check in the amount of _____ is enclosed.

☐ Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account _____.

CONTENT OF INFORMATION DISCLOSURE STATEMENT 37 C.F.R. § 1.98

The present information disclosure statement includes any information noted above, along with a Form PTO-1449 (3 pages).

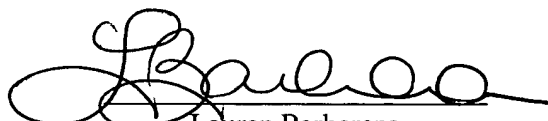
If applicable, a legible copy of the following is being included:

- (1) Each publication (identified by published, author (if any), title, relevant pages of the publication, date, and place of publication).

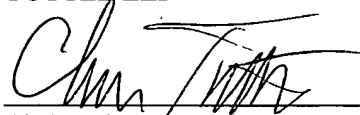
If there are any questions regarding this submission, please contact the undersigned.

CERTIFICATE OF MAILING

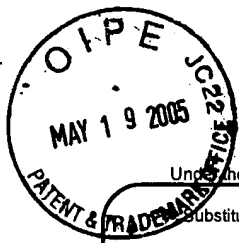
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 17, 2005.


Lauren Barberena

Respectfully submitted,
ALLEMAN HALL MCCOY RUSSELL &
TUTTLE LLP



Christopher S. Tuttle
Registration No. 41,357
Customer No. 36865
Attorney for Applicant
806 SW Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|------------------|
| Application Number | 10/805,611 |
| Filing Date | March 19, 2004 |
| First Named Inventor | John O. Michelin |
| Art Unit | 3747 |
| Examiner Name | Tony Argenbright |
| Attorney Docket Number | 81100237 |

Sheet 1 of 3

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US- 3,865,088 | 02-11-1975 | Links | |
| | | US- 4,976,228 | 10-13-1989 | Kawamura | |
| | | US- 5,190,013 | 01-10-1992 | Dozier | |
| | | US- 5,442,515 | 11-23-1994 | Wallaert | |
| | | US- 5,617,829 | 11-20-1995 | Bidner et al | |
| | | US- 5,930,992 | 08-03-1999 | Esch et al | |
| | | US- 5,957,095 | 09-28-1999 | Kako | |
| | | US- 6,050,231 | 04-18-2000 | Tisch et al | |
| | | US- 6,109,225 | 08-29-2000 | Ogita et al | |
| | | US- 6,178,934 | 11-04-1999 | Hirawawa et al | |
| | | US- 6,192,857 | 02-27-2001 | Shimada | |
| | | US- 6,202,608 | 03-20-2001 | Yamaki et al | |
| | | US- 6,216,652 | 03-27-2000 | Gramann et al | |
| | | US- 6,333,843 | 12-15-2000 | Boie et al | |
| | | US- 6,363,907 | 10-11-2000 | Arai et al | |
| | | US- 6,367,437 | 03-02-2001 | Nakamura et al | |
| | | US- 6,374,783 | 04-23-2002 | Toriumi | |
| | | US- 6,382,193 | 11-20-2000 | Hori et al | |
| | | US- 6,389,806 | 05-21-2002 | Glugla et al | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|------------------|
| Application Number | 10/805,611 |
| Filing Date | March 19, 2004 |
| First Named Inventor | John O. Michelin |
| Art Unit | 3747 |
| Examiner Name | Tony Argenbright |
| Attorney Docket Number | 81100237 |

Sheet 2 of 3

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US- 6,397,813 | 06-04-2002 | Han et al | |
| | | US- 6,401,684 | 12-15-2000 | Hori et al | |
| | | US- 6,415,601 | 07-09-2002 | Glugla et al | |
| | | US- 6,460,500 | 09-11-2000 | Ooyana et al | |
| | | US- 6,505,113 | 10-22-2000 | Eichensener et al | |
| | | US- 6,526,745 | 11-24-2000 | Ogiso | |
| | | US- 6,546,910 | 03-19-2001 | Tanaka et al | |
| | | US- 6,553,961 | 4-29-2003 | Hammoud et al | |
| | | US- 6,637,386 | 10-28-2003 | Murata et al | |
| | | US- 6,647,947 | 03-12-2002 | Boyer et al | |
| | | US- 6,736,121 | 06-04-2002 | Surnilla | |
| | | US- 2002/0038541 | 04-04-2002 | Surnilla et al | |
| | | US- 2003/0106515 | 06-12-2003 | Kondo | |
| | | US- 2004/0206068 | 10-21-2004 | Michelini | |
| | | US- 5,117,790 | 06-02-1992 | Clarke et al | |
| | | US- 5,408,958 | 04-25-1995 | Esch et al | |
| | | US- 6,550,240 | 04-22-2003 | Kolmanovsky et al | |
| | | US- 6,766,641 | 07-27-2004 | Surnilla et al | |
| | | US- 2003/0051465 | 03-20-2003 | Kolmanovsky et al | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|---|---|----|---|--------------------------|-------------------|
| Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/805,611 |
| | | | | Filing Date | March 19, 2004 |
| | | | | First Named Inventor | John O. Michelini |
| | | | | Art Unit | 3747 |
| | | | | Examiner Name | Tony Argenbright |
| Sheet | 3 | of | 3 | Attorney Docket Number | 81100237 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | KLUTING, FLIERL, GRUDNO and LUTTERMANN; MTZ Magazine, August 1999, "Drosselfreie Laststeuerung miy vollvariablen Ventiltrieben" | ✓ |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.